

CCRB INVESTIGATIVE RECOMMENDATION

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|---|-------------------------------------|-------------------------------------|--|---|---------------------------------|
| Investigator: Benjamin Wurtzel | Team: Squad #6 | CCRB Case #: 201710230 | <input type="checkbox"/> Force | <input checked="" type="checkbox"/> Discourt. | <input type="checkbox"/> U.S. |
| | | | <input checked="" type="checkbox"/> Abuse | <input type="checkbox"/> O.L. | <input type="checkbox"/> Injury |
| Incident Date(s) Sunday, 12/10/2017 10:00 PM | Location of Incident: [REDACTED] | Precinct: 61 | 18 Mo. SOL 6/10/2019 | EO SOL 6/10/2019 | |
| Date/Time CV Reported Mon, 12/11/2017 12:33 AM | CV Reported At: CCRB | How CV Reported: On-line website | Date/Time Received at CCRB Mon, 12/11/2017 12:33 AM | | |

| Complainant/Victim | Type | Home Address |
|--------------------|------------|--------------|
| [REDACTED] | [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] | [REDACTED] |

| Witness(es) | Home Address |
|-------------|--------------|
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |

| Subject Officer(s) | Shield | TaxID | Command |
|------------------------|--------|--------|---------|
| 1. LT Yael Magori | 00000 | 942099 | 061 PCT |
| 2. POM Felix Chabanov | 30733 | 953739 | 061 PCT |
| 3. POM Sheldon Maxwell | 23090 | 960089 | 061 PCT |

| Officer(s) | Allegation | Investigator Recommendation |
|-----------------------|---|-----------------------------|
| A.POM Felix Chabanov | Abuse: Police Officer Felix Chabanov threatened to arrest § 87(2)(b) outside of § 87(2)(b) in Brooklyn. | [REDACTED] |
| B.LT Yael Magori | Abuse: Lieutenant Yael Magori threatened to arrest § 87(2)(b) outside of § 87(2)(b) in Brooklyn. | [REDACTED] |
| C.LT Yael Magori | Abuse: Lieutenant Yael Magori threatened to arrest § 87(2)(b) at the 61st Precinct stationhouse. | [REDACTED] |
| D.LT Yael Magori | Abuse: Lieutenant Yael Magori threatened to arrest § 87(2)(b) at the 61st Precinct stationhouse. | [REDACTED] |
| E.POM Felix Chabanov | Abuse: Police Officer Felix Chabanov refused to provide his name and shield number to § 87(2)(b) at the 61st Precinct stationhouse. | [REDACTED] |
| F.LT Yael Magori | Abuse: Lieutenant Yael Magori refused to provide her name to § 87(2)(b) at the 61st Precinct stationhouse. | [REDACTED] |
| G.LT Yael Magori | Discourtesy: Lieutenant Yael Magori spoke discourteously to § 87(2)(b) at the 61st Precinct stationhouse. | [REDACTED] |
| H.POM Sheldon Maxwell | Abuse: Police Officer Sheldon Maxwell seized § 87(2)(b) s property. | [REDACTED] |

Case Summary

§ 87(2)(b) filed this complaint with the CCRB via the on-line website on December 11, 2017 (**Board Review 01**).

On December 10, 2017, at approximately 10:00 p.m., § 87(2)(b) stepped outside of the § 87(2)(b) restaurant at § 87(2)(b) with his brother, § 87(2)(b). While standing outside, § 87(2)(b) fell and sustained an injury to his face. The restaurant manager, § 87(2)(b) ran across the street to the 61st Precinct stationhouse and reported to the officers that a fight was occurring in front of his restaurant. Police Officer Felix Chabanov and Lieutenant Yael Magori of the 61st Precinct responded and allegedly threatened § 87(2)(b) with arrest (**Allegations (A) and (B): Abuse of Authority** – § 87(2)(g) § 87(2)(b) followed the officers across the street and into the stationhouse following the arrest of her friends, § 87(2)(b) and § 87(2)(b) for Obstruction of Government Administration (**Board Review 02-03**).

§ 87(2)(b) spoke with Lieutenant Magori who allegedly told her that she could be arrested (**Allegation (C): Abuse of Authority** – § 87(2)(g) Lieutenant Magori also told § 87(2)(b) that she could be arrested during this time (**Allegation (D): Abuse of Authority** – § 87(2)(g) § 87(2)(b) asked Police Officer Chabanov for his name and shield number and he allegedly replied that he would provide this information to her at a later time but never did so (**Allegation (E): Abuse of Authority** – § 87(2)(g) § 87(2)(b) asked Lieutenant Magori for her name and Lieutenant Magori allegedly replied, “Are you serious? What are you, my fucking mother? When I’m done, that’s when you’re going to know,” (**Allegations (F) and (G): Abuse of Authority** – § 87(2)(g) § 87(2)(b) alleged that he was wearing two necklaces at the time of the incident, of which only one was returned to him (**Allegation (H): Abuse of Authority** – § 87(2)(g) § 87(2)(b).

No video was obtained for this incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Felix Chabanov threatened to arrest

§ 87(2)(b) outside of § 87(2)(b) in Brooklyn.

Allegation (B) Abuse of Authority: Lieutenant Yael Magori threatened to arrest § 87(2)(b)

§ 87(2)(b) outside of § 87(2)(b) in Brooklyn.

It is undisputed that officers threatened to arrest § 87(2)(b) outside of § 87(2)(b) but the investigation could not determine whether these threats of arrest were warranted.

§ 87(2)(b) stated that she was inside of the § 87(2)(b) restaurant when she observed her friends, § 87(2)(b) and § 87(2)(b) being placed under arrest. § 87(2)(b) stepped outside and asked Police Officer Chabanov why her friends were being arrested. Police Officer Chabanov ordered § 87(2)(b) to keep her hands visible and informed her that she would be arrested if she took another step in his direction. § 87(2)(b)

then moved to address Lieutenant Magori and asked her why her friends were being arrested. Lieutenant Magori told § 87(2)(b) that she could be arrested but did not provide a reason why. None of the other civilians interviewed in regards to this investigation observed an interaction between § 87(2)(b) and officers during this time. § 87(2)(b) did not allege hearing officers threaten to arrest civilians during this time.

Neither Police Officer Chabanov nor Lieutenant Magori recognized a photograph of § 87(2)(b) or recalled any specific interaction they had with her on the scene. Both officers claimed to have made generalized threats of arrest to the crowd relating to obstruction of government administration but could not recall making specific threats of arrest to any civilians aside from the two men who were arrested.

The police officers interviewed for this case described the crowd of civilians as unruly, aggressive, and uncooperative when asked to provide statements about the incident. The police officers stated that the crowd of civilians directed verbal abuse towards the officers and interfered with the assistance being rendered to § 87(2)(b). The civilians denied that they were interfering with the police and claimed that a small number of civilians were approaching the police and asking them for information about their actions.

It is undisputed that § 87(2)(b) approached Police Officer Chabanov and Lieutenant Magori and asked them why her friends were being arrested. While § 87(2)(b) described a relatively staid scene outside of the restaurant, the officers described a large and belligerent crowd forming around § 87(2)(b).

§ 87(2)(g)
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Allegation (C) Abuse of Authority: Lieutenant Yael Magori threatened to arrest § 87(2)(b) at the 61st Precinct stationhouse.

Allegation (D) Abuse of Authority: Lieutenant Yael Magori threatened to arrest § 87(2)(b) at the 61st Precinct stationhouse.

Lieutenant Magori stated that numerous civilians entered the stationhouse after the arrests of § 87(2)(b) and § 87(2)(b). The stationhouse is directly across the street from the incident location. Lieutenant Magori stated that the civilians maintained the same aggressive and disorderly demeanor that had displayed outside of the restaurant.

§ 87(2)(b) denied being rude or disorderly but confirmed that she was told by Lieutenant Magori to leave the stationhouse or be arrested. § 87(2)(b) stated that she left the stationhouse after she was told she could be arrested one time. § 87(2)(b) stated that § 87(2)(b) was reluctant to leave when she was ordered to do so and that Lieutenant Magori told her to leave at least two times. § 87(2)(b)'s husband, § 87(2)(b) also stated that he observed Lieutenant Magori order his wife to leave the stationhouse.

§ 87(2)(b) denied that she was loud or disorderly but confirmed that she followed the officers into the stationhouse and requested information about the incident. When officers did not explain what was happening, § 87(2)(b) commented aloud that she would call an attorney. § 87(2)(b) did not address any specific officer with this comment.

Lieutenant Magori had no recollection of interacting with § 87(2)(b) on this night and could not say whether she threatened her with arrest. Lieutenant Magori continued that she threatened § 87(2)(b) with arrest while in the stationhouse. Lieutenant Magori clarified that she informed § 87(2)(b) that she used her discretion not to arrest her outside of the § 87(2)(b) for disorderly conduct but stated that she could be arrested if she did not leave the stationhouse after she was provided with the officer information she was requesting.

New York Penal Section states that a person is guilty of trespass when they knowingly enter or remain unlawfully upon a premises (**Board Review 13**).

It is undisputed that § 87(2)(b) and § 87(2)(b) followed the officers into the stationhouse as they were transporting two defendants for lodging and were requesting information about the incident. Both § 87(2)(b) and Lt. Magori provided accounts that indicated that the officers were in the process of filling out paperwork relating to the arrests when the civilians arrived to request information about the incident.

It is further undisputed that Lieutenant Magori told § 87(2)(b) that she could be arrested after issuing her at least two instructions to leave the stationhouse. Lieutenant Magori also stated that she told § 87(2)(b) that she could be arrested if she did not exit the stationhouse after being provided with officers' identifying information.

§ 87(2)(b), § 87(2)(g)

Allegation (E) Abuse of Authority: Police Officer Felix Chabanov refused to provide his name and shield number to § 87(2)(b) at the 61st Precinct stationhouse.
Allegation (F) Abuse of Authority: Lieutenant Yael Magori refused to provide her name to § 87(2)(b) at the 61st Precinct stationhouse.
Allegation (G) Abuse of Authority: Lieutenant Yael Magori spoke discourteously to § 87(2)(b) at the 61st Precinct stationhouse.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b) alleged that she approached the desk where Lieutenant Magori and Police Officer Chabanov were respectively sitting and standing and requested their identifying information. § 87(2)(b) alleged that Police Officer Chabanov declined to answer and

Lieutenant Magori told her to wait before saying, “Are you serious? What are you, my fucking mother? When I’m done, that’s when you’re going to know.”

Police Officer Chabanov denied that any civilian requested his information during this incident and denied that he volunteered this information to any civilian. Lieutenant Magori confirmed that she told § 87(2)(b) to wait before providing her information on a piece of paper to her. Lieutenant Magori denied making the above statement and denied using any profanity during this incident. Lieutenant Magori stated that she never verbally provided her information but wrote the information down for the civilians. § 87(2)(b) was in possession of the paper with the officer’s names at the conclusion of the incident but he and § 87(2)(b) stated that this was given to him after § 87(2)(b) exited the stationhouse.

§ 87(2)(b), § 87(2)(g)

Allegation (H) Abuse of Authority: Police Officer Sheldon Maxwell seized § 87(2)(b) s property.

§ 87(2)(b) alleged that his arresting officer took two necklaces from him but that only one of them was returned to him when he returned to the stationhouse the following day. § 87(2)(b) further stated that he was not provided with a voucher for his missing property. Police Officer Sheldon Maxwell, § 87(2)(b) s arresting officer, stated that he did not prepare a voucher because he provided all of § 87(2)(b) s property to § 87(2)(b) who signed for it.

Police Officer Maxwell’s memo book indicates that he placed two necklaces belonging to § 87(2)(b) in § 87(2)(b) s custody. § 87(2)(b) s signature is below the itemized list of items including the two necklaces (**Board Review 04**). § 87(2)(b) stated that she signed “a paper” that was handed to her but was unable to say what the paper was.

NYPD Patrol Guide Procedure 218-01 states that an officer must record a description of all seized property in their memo book (**Board Review 14**).

§ 87(2)(b), § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint involving § 87(2)(b) or § 87(2)(b) (**Board Review 05**).
- Lieutenant Magori has been a member of the NYPD for 11 years and has had seven prior CCRB allegations within five cases with one substantiated allegation. Lieutenant Magori has three prior allegations discourtesy filed against her (**Board Review 06**).

- In CCRB case number 200810467, Lt. Magori used discourteous language and received a penalty of instructions.
- Police Officer Chabanov has been a member of the NYPD for five years and has had four prior CCRB allegations within two cases and no substantiated allegations filed against him. § 87(2)(g) (Board Review 07).
- This is the first CCRB complaint filed against Police Officer Maxwell (Board Review 08).

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation due to the arrests of § 87(2)(b) and § 87(2)(b) § 87(2)(b).
- The Comptroller's Office of the City of New York has confirmed that no Notice of Claim has been filed for this incident (Board Review 09).
- § 87(2)(b) and § 87(2)(b) do not have criminal conviction histories (Board Review 10-12).

Squad No.: 6

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|---------------|-----------|--------------------|------|
| Investigator: | Signature | Print Title & Name | Date |
| Squad Leader: | Signature | Print Title & Name | Date |
| Reviewer: | Signature | Print Title & Name | Date |